

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff/Petitioner,

v.

JOSEPH J. FOX,

Defendant/Respondent.

Case No.: 1:20-cv-4372

Judge Thomas M. Durkin

Motion for Entry of a Final Judgment Against Respondent Joseph J. Fox

Plaintiff, the United States Securities and Exchange Commission (“SEC” or the “Commission”), moves this Court for Entry of a Final Judgment against Joseph J. Fox (“Fox” or “Respondent”) pursuant to Section 20(c) of the Securities Act of 1933 (“Securities Act”), and Section 21(e)(1) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78u(e)(1). Fox does not consent to the filing of this Motion.

1. On July 27, 2020, the Commission filed an Application for an Order under Section 20(c) of the Securities Act and Section 21(e)(1) of the Exchange Act Enforcing Compliance with a Commission Order (“Application”). (ECF No. 1). The Application was served on Respondent on August 5, 2020. (ECF No. 6).

2. The Court set a status hearing in the matter to take place on August 12, 2020. (ECF No. 3). Although Fox did not appear, the Court provided him 21 days to respond to the Commission’s Application and continued the status hearing to September 11, 2020. (ECF No. 7).

3. Fox failed to file a response within 21 days; however, he appeared at the September 11 hearing.¹ The Court entered a revised Order to Show Cause, which provided Fox until October 7, 2020, to file his response to the Application. (ECF Nos. 8, 9). The Commission emailed Fox copies of the Minute Entry and Revised Show Cause Order on September 14, 2020.

4. Again, Fox failed to file a response in accordance with the Court's Order. Instead, Respondent emailed counsel for the Commission at 11:19 p.m. on October 7, 2020, well after the 5:00 p.m. deadline provided by the Court, and advised that he was having computer issues that were preventing him from emailing his response in opposition to the Application. *See* Ex. 1, p. 2. Just hours later, Fox's computer issues seemed to resolve themselves as Fox was able to draft and email his Motion for Additional Time to File Opposition Brief.² (ECF No. 11).

5. The Court granted Fox's motion and allowed him until October 12, 2020, to file his response to the Commission's Application. (ECF No. 12). Once again, Fox failed to timely file his response in accordance with the Court's Order. Any document he files should be considered out of time, denied and/or struck from the docket.

6. It is clear that Fox does not take this proceeding or the Court's resources seriously. As of today's date, more than two months after service, Fox has failed to file any documents in this matter to present a defense or oppose the Application despite numerous opportunities. Accordingly, the Commission respectfully requests that the Court enter final judgment against him in the form of the proposed final judgment submitted in connection with this Motion.

¹ Fox neither denied that he consented to the monetary amounts he was ordered to pay in 2015, nor did he deny failing to pay them. Furthermore, the time-period during which he could appeal the entry of the Order has expired, leaving no recourse to the debt he owes the Commission. Fox simply has no legitimate defense to the relief sought by the SEC.

² At no time did the Commission indicate that it could not respond to his Opposition in a timely fashion or that it consented to the Motion for Additional Time. *See* Ex. 1, p. 1.

WHEREFORE, the Commission respectfully requests that this Court grant the Application, enter a final judgment against the Respondent, and provide such other relief the Court deems appropriate.

Dated: October 13, 2020

Respectfully submitted,

s/CHRISTY J. WHITE

CHRISTY J. WHITE

Assistant Chief Litigation Counsel

United States Securities and Exchange Commission

100 F Street, NE, Mail Stop 5628

Washington, DC 20549-5628

WhiteChr@SEC.gov

Telephone: 202.551.4502

Facsimile: 202.572.1372

Attorney for Plaintiff/Judgment Creditor

United States Securities and Exchange Commission

CERTIFICATE OF SERVICE

I certify that on October 13, 2020, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to all parties of record and via email to Respondent at yofox35@gmail.com.

/s/Christy J. White

CHRISTY J. WHITE

Assistant Chief Litigation Counsel

United States Securities and Exchange Commission

100 F Street, NE, Mail Stop 5628

Washington, DC 20549-5628

WhiteChr@SEC.gov

Telephone: 202.551.4502

Facsimile: 202.572.1372

Attorney for Plaintiff/Judgment Creditor

United States Securities and Exchange Commission